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Constitution
of the
State of Colorado
and
Ordinances of the
Constitutional Convention
adopted in pursuance
of the
Provisions of an Act
of Congress approved
March 21st 1864. "To Ena-
ble the People of Colorado
to form a Constitution and
State Government and for
the admission of such State
into the Union on an Equal
footing with the Original States

Constitution
of the
State of Colorado
adopted in
Convention
July 11th 1864

Preamble

We the people of Colorado grateful to Almighty God for our civil liberty and religious privileges, in order to ensure the full enjoyment of our rights as American Citizens, do ordain and establish this constitution of the State of Colorado; with the following boundaries to Commencing at a point formed by the intersection of the thirty seventh degree of North latitude with the twenty fifth degree of Longitude West from Washington; extending thence due West along said thirty seventh degree of North latitude to a point formed by its intersection with the thirty Second degree of Longitude West from Washington; thence due North along said thirty Second degree of West Longitude to a point formed by its intersection with the forty first degree of North latitude; thence due East along said forty first degree of North latitude to a point formed by its

intersection with the twenty fifth degree of Longitude West from Washington thence due South along said twenty fifth degree of West Longitude to the place of beginning. —

Article 1

Bill of Rights

Sec: 1. All men are possessed of equal and inalienable natural rights, among which are Life, Liberty and the pursuit of happiness.

Sec: 2. All political power is inherent in the people and all free Governments are founded on their authority and are instituted for their equal protection and benefit. No special privileges or immunities shall ever be granted by the Legislature which may not be altered revoked or repealed by the same body; and this power shall be exercised by no other tribunal or agency. —

Sec: 3 The people have the right to assemble in a peaceful manner to consult for their Common good, to instruct their Representatives and to petition the Government, or any part thereof, for the redress of grievances

Sec: 4. The people have the right to bear arms for their own defense and security: but standing armies, in time of peace, are dangerous to liberty, and shall not be tolerated, and the military shall at all times

be in Strict Subordination to the Civil Power.

Sec: 5 The right of trial by Jury shall be inviolate. All Courts shall be open; and every man, for injury done to him in his person, property or reputation, shall have remedy by due Course of Laws. Justice shall be administered freely and without purchase; Completely and without denial; Speedily and without delay. The Penal Code shall be founded on the principles of reformation and not of vindictive Justice.

Sec: 6 Slavery shall never exist, nor involuntary Servitude, except for the punishment of Crime, whereof the party shall have been duly Convicted.

Sec: 7 The right to worship God according to the dictates of Conscience shall never be infringed; nor shall any person be Compelled to attend or support any form of worship; nor shall any preference be given by Law to any religious denomination. No religious test or property Qualification shall be required for any office of public trust, nor for any vote at any Election, nor shall any person be incompetent to testify on account of his religious belief, except he be a professed Atheist.

Sec: 8 The right to the writ of Habeas Corpus shall not be suspended.

Sec: 9. All persons shall be bailable by sufficient Sureties except for Capital offences, where proof is evident or

the presumption great. Excessive bail shall not be required nor excessive fines imposed, nor cruel or unusual punishments inflicted.

Sec: 10 In all prosecutions the accused shall be allowed to appear and defend in person and by Counsel; to demand the nature of the accusation against him; to meet the witness face to face and to have compulsory process to compell the attendance of witnesses in his behalf. and a speedy public trial by an impartial Jury of the County or district in which the offense is alledged to have been committed. No person shall be a witness against himself in Criminal Cases, nor be twice put in jeopardy for the same offence. —

Sec: 11 In all Criminal cases whatever the Jury shall have the right to determine the Law and facts.

Sec: 12 The liberty of Speech and of the press shall be inviolate and all persons may freely speak, write and publish their sentiments on all subjects being responsible for the abuse of such right — and in all civil or Criminal actions for libel, the truth of the allegations may be given in evidence as justification of the same. —

Sec: 13. No person shall be transported from the State for any offence committed against its laws within the same and no Conviction within the State shall work a forfeiture of estate or Corruption of blood. —

Sec: 14. Treason shall consist only in levying war against the State, adhering to its enemies, or giving them aid and Comfort no person shall be convicted of treason except upon the evidence

of two witnesses to the same overt act, or confession in open Court. -

Sec: 15. No Soldier shall, in time of peace be quartered in the house of any Citizen without his consent, nor in war except as prescribed by Law. -

Sec: 16. The right of the people to be secure in their persons and property against unreasonable searches and seizures shall be inviolate; and no warrant shall issue but on probable cause, supported by oath or affirmation of One or more witnesses, particularly describing the place to be searched and the persons or property to be seized. -

Sec: 17 No person shall be imprisioned for debt except in case of fraud. -

Sec: 18. No distinction shall ever be made between citizens and aliens in reference to the purchase, enjoyment, or descent of property. -

Sec: 19. No hereditary emoluments. titles of nobility Extraordinary honors or privileges shall ever be granted or Conferred by the State.

Sec 20. This Enumeration of rights shall not be Construed to impair, restrain or deny others retained by the people, and all powers not herein delegated remain with the people. -

Article 2.

Suffrage

Sec: 1 Every white male Citizen of the age of twenty one years and upwards, who is by birth or has become by naturalization

or by Treaty or shall have declared his intention to become a citizen of the United States according to the laws thereof, and who shall have resided in the State of Colorado for six months next preceding any Election, and in the township or ward in which he offers to vote, for at least thirty days next preceding such Election shall be deemed a qualified elector, and entitled to vote at the same, except:

First:- No person who is insane, or an idiot; nor any person convicted of treason or felony, unless restored to civil rights; nor any person who shall refuse to take an Oath of allegiance to the Government of the United States, shall be allowed to vote.

Second:- No Soldier, Seaman or Marine in the regular army or navy of the United States or their allies, shall be deemed to have acquired a residence in the State in consequence of being stationed therein; nor shall any regular Soldier, Seaman or Marine have the right to vote. Provided That all citizens of the State who may enlist in the Volunteer Service of the United States or who, whilst citizens of the Territory of Colorado may have enlisted in the said Service of the United States, shall be entitled to and retain their full rights as citizens and qualified Electors, during the time they shall continue in such service.-

Sec: 2. Electors during their attendance at Elections, and in going to or returning therefrom shall be privileged from arrest, except for treason, felony or a breach of the Peace, and they shall be exempt from military duty and from the servi

of Civil Process.-

Sec: 3. Electors shall be entitled to vote in any precinct within the state for President and state officers, and in any precinct in their County for County officers. -

Article 3.
Elections

Sec: 1 All elections by the qualified Electors shall be free and equal, and the vote shall be by ballot -

Sec: 2. General State Elections and all others by the people shall be held at such times and under such regulations as may be prescribed by Law; except the first General Election, which shall be fixed by this Convention. -

Sec: 3. Every person who shall give or accept a Challenge to fight a duel, or who shall knowingly carry such a challenge to another or shall go out of the State to fight a duel, shall be ineligible to any office of trust or profit

Sec: 4. Every person who shall have given or offered a bribe to procure his election, or who shall have laid a wager upon the result of the same, shall be disqualified from holding office during the term for which he may have been elected. -

Article 4.
Distribution of Powers.

Sec: 1. The powers of the Government are divided into three Seperate parts: the Legislative, Executive - including

the Administrative - and the Judicial; and no person charged with official duties under one of the departments, shall exercise any of the functions of another, except as in this Constitution expressly provided. -

Sec: 2. All officers shall, before entering upon their respective duties, take and subscribe an oath or affirmation to support the Constitution of the United States, and the Constitution of the State and faithfully discharge the duties of their respective offices. -

Article 5
Legislative

Sec: 1. The law making power shall be vested in the Legislative Assembly, which shall consist of a Senate and House of Representatives. The style of every Law shall be "Be it enacted by the Legislative Assembly of the State of Colorado" and no Law shall be enacted except by bill. -

Sec: 2. The Senate shall consist of thirteen members, and the House of Representatives of twenty six members; which respective Members may be increased, not more than one third after the year One thousand eight hundred and Seventy (1870), and each six years thereafter until the whole number of Members shall reach thirty nine in the Senate and Seventy eight in the House of Representatives which respective numbers shall in no case be exceeded. Members of the Senate shall not be under twenty five

nor members of the House of Representatives under twenty one years of age. and they shall be elected at the regular at the regular annual Election by the Electors of the respective Counties or districts into which the State may from time to time be divided; Provided that for the first Election, and until the State is so divided into Election districts by Law, the Apportionment for Election purposes shall be the same as now enacted by the Legislative Assembly of the Territory of Colorado, and the members of the House of Representatives of the Territory of Colorado to be elected at the next general Territorial Election shall be members of the first House of Representatives of the Legislative Assembly of the State of Colorado. -

Sec: 3. No person shall be a member of the Legislative Assembly who is not at the time of his election a citizen of the United States; and a resident in and a qualified voter of the County or district for which he is elected.

Sec: 4. No member of Congress nor civil officer of the United States shall be eligible to a seat in the Legislative Assembly except Postmasters whose compensation does not exceed two hundred dollars per annum. If any person after his election to the Legislative Assembly shall be elected to Congress or shall receive an appointment to any office under the United States, his acceptance of the same shall vacate his seat. -

Sec: 5. No person Convicted of Embezzlement or misuse of the public funds shall have a seat in

the Legislative Assembly.

Sec: 6. Senators shall be elected for two years and Representatives for two years from the day next after their General Election. —

Sec: 7. The Sessions of the General Assembly, except the first, shall be held biennially, at the Capitals of the State, commencing on the Thursday next after the first Monday in January in the year One thousand Eight hundred and Sixty Seven, and on the same day of every second year thereafter, unless a different day or place shall have been appointed by law. But if in the opinion of the Governor, the public welfare shall require it, he may at any time, by proclamation, call a special Session.

Sec: 8. All vacancies occurring in either House shall be filled for the unexpired term by Elections.

Sec: 9. A majority of each House shall constitute a Quorum to do the Business of Assembly; but a smaller number may meet from day to day and compel the attendance of absent members.

Sec: 10. Each House, when assembled, shall choose its own Officers (the President of the Senate only excepted) shall establish its own rules, and shall be the Judge of the elections, returns and qualifications of its own members. But neither House shall without the consent of the other, adjourn for more than three days, nor to any place other than that in which it may be

setting.—

Sec: 11 Each House shall keep and publish a Journal of its proceedings. All Bills and joint Resolutions shall be passed by a vote of Ayes and Nays which shall be taken and entered immediately upon the Journal... upon the passage thereof.—

Sec: 12. Bills may originate in either House, but may be rejected or amended by the other. A majority of a Quorum in each House voting in the affirmative, shall be necessary to pass any bills or joint resolutions.—

Sec: 13. Any member of either House shall have the right to protest against any Bill or Resolution; and such protest shall without delay or alteration be entered on the Journal.—

Sec: 14. Every Bill shall be read by sections, on three several days, in each House; unless in case of emergency, two thirds of the House where such Bill may be pending, shall by a vote of Ayes and Nays, deem it expedient to dispense with this rule; but the reading of a Bill by sections, on its final passage shall in no case be dispensed with.—

Sec: 15. Every act shall express but one subject and matters properly connected therewith, which subject shall be expressed in the title. But if any subject shall be embraced in an act which shall not be expressed in its title, such act shall be void only as to so much thereof as shall not be expressed in the title.—

Sec: 16. Every act and Joint Resolution shall be plainly worded avoiding as far as practicable the use of technical terms.—

Sec: 17. No act shall ever be revised or amended by mere reference to its title, but the act revised or Section amended shall be set forth and published at full length.—

Sec: 18. The general Assembly shall not pass local or Special Laws in any of the following enumerated Cases, that is to-Say. Regulating the Jurisdiction and duties of Justices of the Peace and of Constables.

For the punishment of Crimes and misdemeanors,—

Regulating the practice in Courts of Justice.

Providing for changing the venue in Civil and Criminal Cases,

Granting Divorces

Changing the names of Persons

For Laying out, Opening and working our Highways, and for the election or appointment of Supervisors,—

Vacating Roads, Town Plats, Streets Alleys and Public Squares

Summoning and empanelling grand and petit Juries, and providing for their compensation.—

Regulating County and Township business

Regulating the Election of County and Township Officers and their Compensation.—

For the assessment and Collection of Taxes for State County Township or Road purposes,—

Providing for supporting Common Schools, and for the preservation of School funds.

In relation to Interest on money.

Providing for opening and Conducting the elections of State County or Township Officers, and designating the Places of voting

Providing for the Sale of Real Estate belonging to Minors or other persons laboring under legal disabilities, by Executors Administrators Guardians or Trustees.-

Sec: 19. In all the Cases enumerated in the preceeding section and in all other Cases where a General Law can be made Applicable, all Laws shall be General and of uniform Operation throughout the State.-

Sec: 20. Provision may be made by General Laws for bringing Suit against the State as to all Liabilities originating after the adoption of this Constitution, but no special act Authorizing such suit to be brought, or making Compensation to any person claiming damages against the State shall ever be passed.-

Sec: 21. Every Statute shall be a public Law unless otherwise declared in the Statute itself.-

Sec: 22. No Senator or Representative shall during the time for which he may have been elected be eligible to any office the election to which is vested in the General Assembly nor shall be appointed to any Civil office of profit which shall have been Created or the emoluments of which shall have been increased during such time. but the latter provision shall not be Construed to apply to any office elective by the people.-

Sec: 23. The Legislative Assembly shall at its first Session

provide for an enumeration of all male Inhabitants over the age of twenty one years to be made between the first day of July and the thirty first day of December eighteen hundred and Sixty Six (1866) and every six years thereafter upon the returns of which enumeration, the Session of the Legislative Assembly next following each period thereof, shall fix by Law and apportion the number of Senators and Representatives among the several Counties or Districts to which each is entitled according to the number of white male Inhabitants above twenty one years of age in each, —

Sec: 24. Every Bill and joint Resolution passed by the Legislative Assembly shall within two days thereafter be signed by the presiding officers and presented to the Governor. If he approves it, he shall sign it, but if not, he shall return it to the House in which it originated, which shall enter the objections at large upon its Journal, and proceed to reconsider the same. If after such reconsideration two thirds of the members elected shall agree to pass the Bill or Resolution it shall be sent with the objections to the other House, by which it shall likewise be reconsidered and if approved by two thirds of the members elected it shall become a Law. If any Bill shall not be returned within three days (Sunday excepted) after it shall have been presented to the Governor it shall become a Law in like manner as if he had signed it, unless the Legislative Assembly, by its adjournment prevent its

return, in which case it shall not become a law.

Sec: 25. No member of the Legislative Assembly shall be liable in any civil action or Criminal prosecution whatever, for words spoken in debate.—

Article 6.

Executive and Administrative

Sec: 1 The Executive and Administrative Department shall consist of a Governor Lieutenant Governor (who shall be President of the Senate) Secretary of State (who shall also perform the duties of State Auditor) Treasurer, Attorney General, and Superintendent of Public Instruction and Librarian who shall be chosen by the electors of the State at the time of holding General Elections in each year designated by even numbers, and shall hold their offices for the term of two years from the first monday in January next after their election, and until their successors are elected and qualified; except those first elected who shall enter upon the duties of their respective offices as soon as the State is admitted by proclamation of the President.

Sec: 2. Until otherwise provided by Law, an abstract of the returns of every election for the officers named in foregoing section, shall be sealed up and transmitted by the Clerks of the board of Canvassers of the several Counties to the Secretary of State who with the State Treasurer and Attorney General shall Constitute a board of State Canvassers whose duty it shall be to meet at the State

Capital on the Second Tuesday of December succeeding each election for State Officers and Canvass the vote for such Officers and proclaim the result but in Case any two or more have an equal and the highest number of votes, the Legislative Assembly shall by joint ballot Choose one of said persons so having an equal and the highest number of votes for said Offices. —

Sec: 3. The Supreme executive power of the State shall be vested in the Governor, who shall see that the Laws are faithfully executed. —

Sec: 4 No member of Congress or person holding any office in the United States or of this State shall exercise the office of Governor. The Governor shall at stated times receive for his services a Compensation which shall be neither increased or diminished during the term for which he shall have been elected. —

Sec: 5. The Governor and Lieutenant Governor shall be at least thirty years of age, and shall have been Citizens of this State for one Year next preceding their Election, unless they shall have been absent on Public Business of the United States or this State —

Sec; 6. The Governor shall be Commander in Chief of the Militia of the State, except when they shall be called into the actual service of the United States.

Sec: 7. The Governor may on extraordinary occasions Convene the Legislative Assembly by proclamation, and shall at the Commencement of every Session

Communicate in writing such information as he may possess in reference to the condition of the State and recommend such measures as he may consider expedient. —

Sec: 8. In case of disagreement between the two Houses in respect to the time of adjournment, the Governor may the Legislative Assembly to such time as he may think proper, not beyond its next regular meeting. —

Sec: 9. The Governor shall have power to grant reprieves and pardons except in cases of impeachment and treason. —

Sec: 10. There shall be a seal of the State which shall be kept by the Secretary of State and used by him officially, and which shall be the Great Seal of Colorado.

Sec: 11 All Commissions shall be issued in the name of the State of Colorado, signed by the Governor and countersigned by the Secretary of State and sealed with the Great Seal. —

Sec: 12. In case of death, impeachment, resignation removal or other disability of the Governor, the powers and duties of the office for the residue of the term, or until the disability shall be removed shall devolve upon the president of the Senate. —

Sec: 13. The Lieutenant Governor shall be President of the Senate, and shall vote only when the Senate is equally divided. The Senate shall choose a President "pro tempore" to preside in case of his —

absence or impeachment, or when he shall hold the office of Governor. -

Sec: 14. If the Lieutenant Governor whilst holding the office of Governor shall be impeached or displaced or shall resign or die or otherwise become incapable of performing the duties of the office the Speaker of the House of Representatives shall act as Governor until the vacancy is filled or the disability removed; and if the Speaker of the House of Representatives shall become disabled incapable by death or otherwise of performing the duties pertaining to the office of Governor, the same shall devolve upon the Secretary of State. -

Sec: 15. Should either the Secretary of State, Treasurer, Attorney General or Superintendent of Public Instruction and Librarian become incapable of performing the duties of his office for any of the causes specified in the fourteenth Section of this Article, the Governor shall fill the vacancy until the disability is removed, or a successor is elected and qualified. Every such vacancy shall be filled by election at the first General Election that occurs more than thirty days after it shall have happened, and the person chosen shall hold the office for the unexpired term. -

Sec: 16. The offices of the executive departments and of all public state Institutions shall at least ten days preceding each regular Session of the Legislative Assembly annually report to the Governor who shall transmit such reports to the Legislative Assembly. -

Article 7.

Judiciary.

Sec: 1. The Court for the trial of Impeachment shall be Composed of the Senate The House of Representatives shall have the power of impeaching all civil officers of this state for Corrupt Conduct in office, or for Crimes or misdemeanors; but a majority of all the members elected shall Concur in an impeachment. On the trial of an impeachment of the Governor, the Lieutenant Governor shall not act as a member of the Court. Before the trial of an impeachment the members of the Court shall take an Oath or affirmation truly and impartially to try the impeachment according to evidence, and no person shall be convicted without the Concurrence of two thirds of the members present. Judgement in Cases of Impeachment shall not extend further than removal from office, and disqualification to hold any office of honor, profit or trust under the state; but the Party impeached shall be liable to indictment, trial and punishment according to law. —

Sec: 2. The judicial powers of this state, both as to matters of law and equity shall be vested in a Supreme Court, Circuit Courts, Probate Courts and Justices of the Peace, and such other and inferior Courts as may hereafter be created by law. —

Sec: 3. The Supreme Court, except in Cases otherwise provided for in this Constitution, shall have appellate, Jurisdiction

only, which shall be co-extensive with the State; but in no-
cases removed to the Supreme Court shall a trial by Jury be
allowed.

The Supreme Court shall have a general superintending Control
over all inferior Courts; it shall have power to issue writs
of habeas Corpus, mandamus, Injunction, and other original
remedial writs and to hear and determine the same.—

Sec: 4. The Supreme Court shall for the term of Six years
and thereafter until the Legislature Assembly shall
otherwise provide Consist of three (3) Judges to be elected
by general ballot who shall hold the office for Six (6) years
and until their Successors are elected and qualified, except
the Judges first elected who shall at the first Session of the
Supreme Court provide by lot that one of their number shall
hold his office for two (2) years. One for four (4) years and
One for Six (6) years. and at each general election there-
after, there shall be elected by the qualified electors of the
State one Judge of the Supreme Court. —

Sec: 5. For the term of Six years and thereafter until the
Legislative Assembly shall otherwise provide, the Judges of the
Supreme Court shall hold the several Circuit Courts of
the State, and it shall be the duty of the Legislative
Assembly at its first Session under this Constitution to
divide the State into three (3) Judicial Circuits which
shall be Composed of Contiguous territory be bounded
by County lines and Contain a population as nearly
equal as may be practicable and shall assign one

of said Judges to each of such Circuits and said Judges shall reside in the respective Circuits to which they have been assigned, during their Continuance in Office.-

Sec: 6 The Supreme Court and the Several Circuit Courts of this State shall be held at such time and place as may be prescribed by Law; but the Judges of said Courts may hold Special Terms thereof, under such restrictions as the Legislative Assembly may prescribe.—

Sec: 7. The Legislative Assembly shall provide for the election of a Sufficient number of Justices of the Peace in each County, whose term of Office shall be two (2) years and whose duties and Compensation shall be provided by Law; but no Justice of the Peace shall have jurisdiction of any Civil Cause where the amount in Controversy exceeds two hundred (200) dollars, nor in any Criminal Case where the judgment shall exceed three months imprisonment, or a fine of over One hundred dollars, nor in any Case involving the title to real estate.—

Sec: 8. The Circuit Courts shall have original jurisdiction in Civil Cases both in Law and Equity, and in all Criminal Cases where the proceeding shall be by indictment, or where the punishment shall exceed One months imprisonment or a fine of more than twenty five dollars; and shall have such appellate jurisdiction as may be prescribed by Law. The Legislative Assembly may provide by Law that the Judge assigned to one Circuit may discharge the duties of the Judge of any

other circuit not his own when convenience and public interest may require it. —

Sec: 9 The Judges of the Supreme Court may in vacation issue writs of habeas Corpus, Injunction, and writs of mandamus to inferior Courts. —

Sec: 10. There shall be chosen by the qualified Electors of the State One Clerk of the Supreme Court who shall hold his office for two years, or until his successor is duly elected and qualified, and he shall receive such fees for his services as the Legislative Assembly may provide. The Judges of the Supreme Court or a majority of them shall have the power to fill any vacancy in the office of Clerk of the Supreme Court until an election can be regularly held. —

Sec: 11. There shall be established in each County a Probate Court which shall be a Court of Record and be held at such time and place as may be prescribed by law. It shall be held by one Judge who shall be elected by the voters of the County and hold his office for the term of two years. He shall be a resident of the County at the time of his election, and shall reside there during his continuance in office. The Recorder of Deeds of each County shall be Clerk of the Probate Court. The Compensation of such Probate Judge shall be such fees as may be provided by law. The Probate Court shall have such jurisdiction as the Legislative Assembly may confer. Provided said Probate Court shall have no jurisdiction in any case

where the matter in controversy exceeds the sum of one thousand dollars, except in cases concerning the estates of deceased persons and persons under guardianship, and in such cases the said Court shall have unlimited jurisdiction. —

Sec: 12 In case the office of any Judge shall become vacant before the expiration of the term for which he was elected, the vacancy shall be filled by appointment by the Governor, until his successor is elected and qualified, and such successor shall be elected at the first general Election that occurs more than thirty days after the vacancy shall have occured.

Sec: 13. Legal Holidays in this State shall be under the Control of the Legislative Assembly. The style of all process shall be "the State of Colorado" and all Indictments shall conclude "against the Peace and Dignity of the State of Colorado"

Sec: 14 The Legislative Assembly shall provide for a docket-fee in all Civil Cases, to be collected as other Costs of suit. The docket fee in the district Court shall not be less than three nor more than five dollars, and in the Supreme Court shall not be less than ten dollars nor more than fifteen dollars; but no docket fee shall be required in any case commenced before a Justice of the Peace.

The Clerks of the several Circuit and Supreme Courts shall collect such fees and transmit the same quarterly to the Secretary of State, with a true Statement under oath of the number of Cases in said Court, and the

Secretary of State shall pay the same to the Treasurer of the State; but nothing herein shall be so construed as to prevent the Legislature Assembly from passing suitable Laws to enable poor persons to prosecute and defend suits in any of the Courts of this state free of Cost. —

Sec: 15. The Judges of the Supreme Court, during the term for which they shall be elected, shall hold no office under the United States, nor any other office under this State; and all votes for either of them for an elective office under this Constitution, except a Judicial office given by the Legislative Assembly or the people, shall be void.

Sec: 16. Judges shall not charge Juries with respect to matters of fact, but may instruct them as to the law.

Article 8
Finance

Sec: 1. The rule of taxation shall be uniform, and taxes shall be levied upon such property as the Legislative Assembly shall prescribe. The Legislative Assembly shall have the power to exempt from taxation the property of Educational, Literary, Scientific, Religious or Charitable Institutions. A Poll Tax may be levied, but it shall not exceed the sum of two dollars.

Sec: 2. No money shall be paid out of the Treasury; except in pursuance of an Appropriation by Law. —

Sec: 3. The credit of the State shall never be given or loaned in aid of any Individual, Association or Corporation

The State shall never contract any public debt, except in the case herein provided.

Sec: 4. For the purpose of defraying extraordinary Expenditures the State may contract public debts, but such debts shall not exceed the sum of Fifty thousands dollars. The money thus raised shall be applied exclusively to the object for which the Loan was authorized. Every such debt shall be authorized by Law for some purpose or purposes to be distinctly specified therein, and the vote of two thirds of all the members present in each house to be taken by yeas and nays, shall be necessary to the passage of such a Law, and every such Law shall provide for the payment of said debt within five years from the passage thereof. -

Sec: 5. The State shall never contract any debt for works of internal Improvement, or be a party in carrying on such Works, but whenever Grants of Land or other Property shall have been made to the State, especially dedicated by the Grant to particular works of internal Improvement, the State may carry on such particular works, and shall devote thereto the avails of such Grants, and may pledge or appropriate the revenues derived from such works, in aid of their Completion. -

Sec: 6 No Scrip, Certificate or other evidence of State debt whatsoever, shall be issued except for such debts as are authorized by the fourth Section of this Article.

Sec: 7. The Legislative Assembly shall provide for an annual Tax sufficient to defray the estimated Expenses of the State for each year. -

Sec: 8. An accurate statement or report of the Receipts and Expenditures of the public money shall be published with the Laws of each regular Session of the Legislative Assembly. -

Sec: 9. Every Law which imposes continues or renews a Tax shall state distinctly the tax and the object to which it is to be applied; and it shall not be sufficient to refer to any other Law to fix such Tax or object. -

Article 9.

Compensation

Sec: 1 The Governor shall be allowed a Salary of One thousand dollars per year. -

Sec: 2 The Lieutenant Governor shall receive as presiding officer of the Senate the sum of five dollars per day during the session of that Body, and the same allowance for mileage in going to and returning from the Capital as is allowed to other members of the Legislative Assembly. In case he becomes acting Governor, he shall be entitled to the same Salary herein allowed to the Governor for the time served. -

Sec: 3. The Secretary of State shall be entitled to an annual Salary of One thousand dollars

Sec: 4. The State Treasurer shall be entitled to an

annual Salary of five hundred dollars.-
Sec; 5. The Superintendent of Public Instruction and Librarian shall be entitled to an annual - Salary of One thousand dollars.
Sec; 6. The Attorney-General shall be entitled to an annual Salary of four hundred dollars.
Sec; 7. The Judges of the Supreme Court shall each - receive an annual Salary of three thousand dollars.-
Sec; 8. Members of the Legislative Assembly shall be entitled to receive as per diem each three dollars per day, during the Setting of that body, and ten cents for every mile he shall travel in going to and return- ing from the place of the meeting of the Legislative - Assembly on the most usual route. — Provided that any member who fails to attend Such Session shall receive no payment. The presiding officers, Chief Clerk and Sergeant at Arms of the respective Houses shall each receive the Sum of five dollars per day, and Provided further that no member of the Legislative Assembly shall receive more than One Hundred and twenty dollars in per diem for any one Session of that body, except the presiding officers of the respective Houses who may receive in per diem for each Session, not more than two hundred dollars each, —
Sec; 9 Salaries of State officers and Judges shall be paid quarterly, Members and officers of the Legislative Assembly at the Close of each Session. —

Sec: 10. The Legislative Assembly shall never grant any extra Compensation to any Public Officer, agent, Servant or Contractor after the Services shall have been rendered or Contract entered into, Nor shall the Compensation of any Public Officer be increased or diminished during his term of Office.—

Sec: 11 The Legislative Assembly shall make such appropriations from time to time as shall be deemed necessary to defray incidental Expenses ever keeping in view the necessity of a most rigid Economy.—

Article 10
State Buildings and Lands

Sec: 1 The Legislative Assembly, shall at the earliest practicable Period, proceed to have the Lands granted by Congress located, and to guard them with watchful care until a favorable Period arrives to dispose of them with advantage to the State, when the proceeds shall be economically applied to the purposes indicated in the Enabling Act. Provided That no portion of the proceeds of the Lands granted for the purposes of erecting Public Buildings shall be expended until the Capital is permanently located by Competent authority.

Article 11
State Institutions

Sec. 1. Institutions for the benefit of the insane, blind deaf and dumb, and such other benevolent Institutions as the public good may require, shall be fostered and supported by the State, whenever the public finances will warrant the outlay, subject to such regulations as may be prescribed by Law. Trustees of such benevolent Institutions, as may be hereafter created, shall be appointed by the Governor, by and with the advice and consent of the Senate, and upon all nominations made by the Governor the question shall be taken in yeas and nays.—

Sec: 2. A Penitentiary shall be established as soon as means sufficient shall have been collected from the sale of the public lands granted by Congress for that purpose, the directors of which shall be elected or appointed as may be prescribed by Law.

Sec: 3. The Governor shall fill any vacancy that may occur in the offices aforesaid, until the next Session of the Legislative Assembly, and until a successor to his appointee shall be confirmed and qualified.—

Sec: 4. The respective Counties of the State shall provide as may be prescribed by Law for those Inhabitants who by reason of age, infirmity, or other misfortunes may have claims upon the Sympathy and aid of Society.—

Article 12.

Explications

Sect. 1. The Legislative Authority may make such Laws as shall be necessary for giving Effect to the several Powers hereinbefore granted, and for carrying into Execution all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

Sect. 2. No Bill of Attainder or ex post facto Law shall be passed.

No Capitation, or other direct, Tax shall be laid, unless in Proportion to the Census or Enumeration hereinbefore directed to be taken.

No Tax or Duty shall be laid on Articles exported from any State.

No Preference shall be given by any Regulation of Commerce or Revenue to the Ports of one State over those of another: nor shall Vessels bound to, or from, one State be obliged to enter, clear or pay Duties in another.

No Money shall be drawn from the Treasury but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

Sect. 3. The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States; he may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any Subject relating to the Duties of their respective Offices, and he shall have Power to grant Reprieves and Pardons for Offences against the United States, except in Cases of Impeachment.

Sec: 6. The term Corporations, as used in this article, shall include all associations and joint stock companies having powers and privileges not possessed by individuals or partnerships; and all Corporations may sue and be sued in their corporate names. —

Article 13
Militia

Sec: 1 The legislature Assembly shall provide by laws for organizing and disciplining the Militia in such manner as they shall deem expedient, not incompatible with the Constitution and laws of the United States. —

Sec: 2 Officers of the Militia, shall be elected or appointed in such manner as may be provided by law, and shall be commissioned by the Governor. —

Sec: 3. The Governor shall be Commander in Chief and shall have power to call out the Militia to execute the Laws, to suppress Insurrection, and to repel Invasion.

Article 14
Education

Sec: 1 The State Superintendent of Public Instruction shall have the general Supervision of the Common School Funds, and educational Interests of the State and perform such other duties as may be provided

by Law.

Sec: 2. A Superintendent of public Instruction shall be elected in each County whose term of office shall be two years, and whose duties and compensation shall be prescribed by Law.-

Sec: 3. The Legislative Assembly shall encourage the promotion of intellectual, moral, Scientific and - agricultural Improvement, by establishing a uniform System of Common Schools, and Schools of higher grade embracing normal, preparatory, Collegiate and University departments. But no religious Institution or a Sectarian character shall receive the aid of the State. -

Sec: 4. The proceeds of all Lands that have been or may be granted to the State for the Support of Schools, and the five hundred thousand acres of Land granted to the new States under an act of Congress distributing the proceeds of public Lands among the several States of the Union approved Sept: 4th A.D. 1841 and all estates of persons dying without Heir or will, and such per Centage as may be granted by Congress on the Sale of Lands in this State shall be the Common Property of the State and shall be a perpetual School Fund which shall not be diminished, but the interest and such other means as the Legislative Assembly may provide by Law or otherwise shall be inviolably appropriated to the Support of Common Schools.-

Sec: 5. The income of the State School Fund shall be disbursed annually by order of the State Superintendent to the several County Superintendents, and thence to the Treasurers of the several School districts in equitable proportion to the number of children resident therein between the ages of five and twenty one years. - Provided that no School district in which a Common School has not been maintained at least three months in every two years shall be entitled to receive any portion of such Funds. -

Sec: 6. The Legislature Assembly shall provide for the sale of the School Lands when authorized by a vote of the people at a General election; but subject to revaluation every five years. -

Sec: 7 All money which shall be paid by persons as an equivalent for exemption from Military duty, the clear proceeds of estrays the ownership of which shall vest in the takers up, and the proceeds of all fines for any breach of the penal Laws, shall be exclusively applied in the several Counties in which the money is paid, or the fine collected, to the support of Common Schools. -

Sec: 8 The Legislative Assembly shall provide for the protection, improvement, or other disposition of such Lands as have been or may hereafter be reserved or granted by the United States or any person or persons to this State, for the use of a University; and the funds

accruing from the same or from any other source, for the purposes aforesaid shall be and remain a permanent fund the Interest of which shall be applied to the Support of the said University, for the promotion of literature, and the arts and Sciences, as may be authorized by the terms of such grants, and it shall be the duty of the Legislative Assembly as soon as may be to provide effectual means for the improvement and permanent Security of the Funds of said University. —

Sec: 5. The State Superintendent of Public Instruction, Secretary of State and Attorney General, shall Constitute a Board of Commissioners for the management, and investment of the School Funds; any two of said Commissioners shall Constitute a quorum, but no Compensation shall be allowed said officers for Services rendered as such Commissioners.

Article 15.
Miscellaneous.

Sec: 1 All officers whose election or appointment is not otherwise provided for, shall be elected or appointed as may be prescribed by Law. —

Sec: 2. The tenure of any office not herein provided for, may be declared by Law; but the Legislative Assembly shall not create any office the tenure of which shall be longer than two years.

Sec: 3. Lotteries and the Sale of Lottery Tickets are forever prohibited. -

Sec: 4. All public printing shall be let or contracted to the lowest responsible bidder, by such Executive Officers and in such manner as shall be prescribed by Law. -

Sec: 5. The Legislative Assembly shall provide for the protection of the rights of women in acquiring and possessing property, real, personal and mixed, separate and apart from their Husbands, and shall also provide for their equal rights in the possession of their Children.

Sec: 6. The Legislative Assembly shall establish a System of County and Town Organizations which shall be as nearly uniform as practicable throughout the State, and shall provide for organizing new Counties, locating County Seat and changing County Lines; but no County Seat shall be changed except by a majority Vote of the Electors of the County, nor any County organized, nor the Lines of any County changed so as to include an area of less than four hundred Square miles. -

Sec: 7. The Legislative Assembly shall protect by Law from forced Sale such personal property as shall be privileged by Law, and certain Amount of Real Estate owned and occupied by Heads of families as Homesteads.

Sec: 8. The first Session of the Legislative Assembly shall convene at the Capital of the Territory of

Colorado.- The Legislative Assembly may at its first or some subsequent Session, provide by Law for submitting the question of the permanent location of the Capital to a vote of the qualified electors of the State, and a majority of all the votes cast at some general election shall be necessary to determine such permanent location thereof.

Sec: 9. The Legislative Assembly may provide by Law for the election of a prosecuting attorney for each judicial District, and his Compensation shall be such Fees as may be prescribed by Law.

Article 16.

Amendments

Sec: 1. Propositions for the amendment of this Constitution may be made by either branch of the Legislative Assembly and if two thirds of all the members elected to each House shall concur thereon, such proposed Amendments together with the yeas and nays, shall be entered upon the journal and the Secretary of the State shall cause the same to be published in at least one newspaper, in each County where a newspaper is published, for three months preceding the next Election for Representatives at which time the same shall be submitted to the Electors for their approval or rejection; and if a majority of the Electors voting

on Said Amendment, at said Election, shall adopt the Amendments the same shall become a part of the Constitution.—

Sec: 2. When more than one Amendment shall be Submitted at the same time, they shall be so submitted as to enable the Electors to vote on each Amendment Seperately and not more than three propositions to amend shall be Submitted at the same Election.—

Sec: 3 When two thirds of the members elected to each branch of the Legislature Assembly shall think it necessary to call a Convention to revise, Amend, or change this Constitution, they shall recommend the electors to vote at the next election of members to the Legislative Assembly for or against a Convention; and if a majority of all the Electors voting at such election shall have voted for a Convention, the Legislative Assembly shall at the next Session provide for the Same.—

Schedule

Sec: 1. This Constitution shall take effect upon Proclamation of the President of the United States admitting the State of Colorado into the Union upon an Equal footing with the other States. That no inconvenience may arrise in the change of Government, it is hereby ordained as follows.

First All Territorial Laws now in force and not

inconsistent with this Constitution, shall remain in force until they expire or be repealed.-

Second. All incumbents of County or Township offices under the Laws of the Territory, and all who may be elected to such offices under Territorial Laws at the next general Territorial Election, shall hold until their Successors under this Constitution are elected and qualified.-

Third. All Indictments, Prosecutions and suits, and other proceedings now pending in the Courts of the Territory shall be prosecuted to final judgment, and all fines, Penalties and Forfeitures, due or accruing to the Territory or to any County therein, shall inure to the State or to such County as now prescribed by Laws. All bonds executed to the Territory, or to any officer in his official capacity, shall remain in force, and inure to the use of those Concerned.-

Fourth. All acts of Incorporation for Municipal Purposes shall continue in force under this Constitution until such time as the Legislative Assembly shall at its discretion modify or repeal the same.-

Sec: 2. The first General Election under this Constitution shall be held on the Second Tuesday in October, in the year One thousand eight hundred and Sixty Four or at such time as may have been fixed by Congress

Sec: 3. On the taking effect of this Constitution, all the officers thereby Continued in office, shall before proceeding in the further discharge of their duties

take ——————— an oath to support this Constitution.

Sec: 4: No Article or section of this Constitution shall be submitted as a distinct proposition to the vote of the Electors.—

Sec: 5 The Secretary of State shall make use of a Private Seal until a State Seal be provided.—

Sec: 6. All persons offering to vote for the adoption or rejection of this Constitution may be subject to challenge for disloyalty to the Government of the United States by any person present at such election, and if any person or person so challenged shall take the oath of allegiance as prescribed by Congress. Such oath to be administered by either of the Judges of Election, Such person or persons shall be deemed qualified to vote, otherwise not.—

Sec. 7 The first Session of the Legislative Assembly shall be convened and held as provided in an Election Ordinance passed by this Convention. —

"We the undersigned, Members of the Convention to form a Constitution for the State of Colorado; to be submitted to the people thereof for their ratification or rejection, do hereby certify that the foregoing is the Constitution adopted by the Convention

In testimony whereof we have hereunto set our hands at Denver, the Eleventh day of July A.D. Eighteen hundred and Sixty four, ——

O. A. Whittemore President of the Convention

E. M. Ashley Secretary

William A. Byers
Wm. L. Clark
A. D. Cooper
Willard B. Felton
J. H. Gest
Eugene F. Holland
G. Fr. Jacobs
Ferdinand Meyer
W. P. Pollock
Leo L. Shoup
Robert Stubbs
C. M. Tyler
L. P. Wilson
Athneus Wright

J. C. Bergen
Robert Culver
James Castello
H. A. Cummings
Robert Douglass
Juan B. Jaquez
Jose Maria Jaquez
Frank Jennings
C. Koch
R. Lopez
A. M. Sprague
Wm. M. Tilden
A. E. Tubbs
Chas. Whitmore
H. E. Easterday

An ordinance adopting the Constitution of the United States and accepting certain Conditions in the Enabling Act.—

"Whereas The Congress of the United States in an act approved March 21st 1864 and entitled "An act to enable the people of Colorado to form a Constitution and State Government, and for the admission of such State into the Union on an equal footing with the Original States" which act provided for the election of delegates to a Convention to frame a Constitution and request them when so assembled and organized to "declare
" on behalf of the people of said Territory that they adopt
" the Constitution of the United States"—

And provides further "that said Convention shall
" provide by ordinance, irrevocable without the Con-
" sent of the United States and the people of said State"
" First— "That there shall be neither Slavery nor involun-
" tary Servitude in the said State, otherwise than for
" the punishment of Crime whereof the party shall have
" been duly Convicted"—

Second— "That perfect toleration of religious sentiment
" shall be secured, and no inhabitant of said State shall
" ever be molested in person or property on account
" of his or her mode of religious worship"

Third— "That the people inhabiting said Territory, do

" agree and declare that they forever disclaim all right
" and title to the unappropriated public lands lying
" within said Territory and that the same shall be and
" remain at the sole and entire disposal of the United States
" and that Lands belonging to Citizens of the United States
" residing without the said State shall never be taxed -
" higher than the lands belonging to the residents there-
" of, and that no taxes shall be imposed by said State
" on lands or property therein belonging to, or which -
" may hereafter be purchased by the United States,"

Now therefore this Convention duly elected by the people of Colorado under and in accordance with the provisions of said act of Congress, being duly - organized, do hereby on behalf of and by the authority of the people of the said Territory of Colorado adopt the Constitution of the United States and accept all of the foregoing propositions. -

"Furthermore "We do declare by the authority of and in behalf of the people of the Territory of Colorado and ordain by this Ordinance irrevocable except upon the above conditions! -

That there shall be neither Slavery nor involuntary Servitude in the State of Colorado, otherwise than in the punishment of crimes whereof the party shall have been duly convicted. -

That perfect toleration of religious sentiment shall be secured and no inhabitants of said State shall ever

be molested in person or property on account of his or her religious worship. — And that the people inhabiting said Territory of Colorado do agree and declare that they forever disclaim all right and title to the unappropriated Lands lying within said Territory and that the same shall be and remain at the sole and entire disposal of the United States and that Lands belonging to Citizens of the United States residing without the said State shall never be taxed higher than the Lands belonging to resident thereof, and that no taxes shall be imposed by said State on Lands or Property therein belonging to, or which may hereafter be purchased by the United States. —

By unanimous order of the Convention at Golden City July 4th 1864. —

O. A. Whittemore, President

Wm. N. Byers
Sec'y Pro-tem

An Ordinance To provide for submitting the Constitution to a vote of the People for adoption or rejection; for holding the first General Election under the same, and for other purposes. —

Whereas the Congress of the United States did by an act approved March 21st 1864 authorize the people of the Territory of Colorado to form a State Constitution, and upon its adoption be admitted into the Union upon the

Same footing as the original States thereof. —
and whereas a Constitutional Convention duly elected
under the provisions of said Law of Congress has
framed said Constitution, Now therefore

Be it Ordained

Sec: 1 That the said Constitution shall be submitted
to a vote of the qualified Electors of the Territory
of Colorado for adoption or rejection at a general
Election to be held on the Second Tuesday of October
A. D. 1864 Eighteen Hundred and Sixty four, or at
such other time as may have been fixed by Law
of Congress. —

Sec: 2 The laws of Colorado Territory now in force
for holding Elections shall be the rules and regulations
governing and regulating the said Election, and
the Governor and other officers of the Territory who have
Supervision of the holding of Elections, shall provide
for and Carry out the Same as they would do in a
Territorial Election. —

Sec: 3. Those favoring the adoption of the Constitution
shall cast at said Election a ballot upon which
shall be written or printed the words "For the
Constitution" and those opposed to its adoption
shall cast a ballot upon which shall be
written or printed the words "against the Con-
stitution"

Sec: 4. The first general Election of State officers

provided for in the Constitution shall be held upon the same day as is provided for the vote upon its — adoption or rejection.—

Sec: 5.— and whereas the Constitution of the United States provides that Electors of President and Vice President of the United States shall be chosen in each State in such manner as may be prescribed by the Legislature thereof, and whereas the Law of Congress Approved January 23rd 1845 provides that such — Selection of Electors in all the States shall be made on the Tuesday next after the first Monday in the Month of November of the year in which they are to be appointed; making it difficult, if not impossible, for want of time, for provision to be made for an Election of Presidential Electors by Popular Election to be held on the day prescribed by Laws.— therefore

Be it further Ordained,

Sec: 6— That the lawful Voters of the Territory of Colorado may at the time of voting upon the Constitution, vote for three persons as nominees to the Legislative Assembly for such Electors, and the three persons receiving the highest number of votes for such nominees may be certified to the Legislative Assembly, by the Canvassers of the votes cast at said Election, as an Expression of the wish of the people of the State that they be chosen as such Presidential Electors by the Legislative —

Assembly. —

Sec: 7. The first Session of the Legislature Assembly shall convene at the capital of the Territory of Colorado on the first monday in the month of November A.D. Eighteen Hundred and sixty four, and on the following day, they shall proceed to provide for by Law, and then to choose three Electors for President and vice President of the United States in accordance with the requirements of the Laws of Congress aforesaid; giving due heed to the preference expressed by the people. —

Sec: 8. The vote at said first General Election may be for a representative to Congress; three presidential Electors; a full ticket of State Officers, and — members of both Houses of the Legislative Assembly as provided for in this Constitution; as well as upon the adoption of the "State Constitution" — and all of said votes cast by any Voter shall be written or printed upon the same ballot.

Sec: 9 — The vote upon all the propositions enumerated shall be canvassed by the Territorial Board of Canvassers, consisting of the acting Governor, the Chief Justice, and Attorney General of said Territory of Colorado, and the result verified by the Certificate of the acting Governor of the Territory who shall issue Commissions and call the Legislative Assembly together as now provided by Law

under the Territorial organization, and the functions of all Territorial Officers shall cease upon the election or appointment and qualification of their Successors under the State organization. —

By order of the Convention at
— Denver July 11th 1864 —

O. A. Whittemore
President of the Convention

E. M. Ashley
Secretary

To His Excellency
The President of the United States

I John Evans, Govenor of the Territory of Colorado do hereby certify that a Convention duly elected by the qualified voters of the Territory of Colorado agreeably to the provisions of an Act of Congress entitled "An Act to enable the people of Colorado to form a Constitution and State Government and for the admission of Such State into the Union on an Equal footing with the Original States" approved March 21st 1864, met at the Capital of the Territory of Colorado on the first Monday in July A.D. 1864 agreeably to the provisions of said Act and that said Convention did on that day after organization declare on behalf of the

people of said Territory, that they adopted the Constitution of the United States and that said Convention thereupon proceeded to frame a Constitution and adopt Ordinances and Resolutions as authorized by said Act of Congress and that this document is a true and correct copy thereof, the original of which is now on file in the office of the Secretary of this Territory.

In testimony whereof I have hereunto set my hand, and caused to be affixed the great seal of the Territory of Colorado Done at Denver this fifth day of August in the year of our Lord One thousand Eight hundred and Sixty four.

By the Governor

John Evans.